



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



Re Patent Application of

Maertens et al.

Atty. Ref.: 2551-109

Serial No. 09/899,303

Group: 1648

Filed: July 6, 2001

Examiner: Bao Qun Li

For: PURIFIED HEPATITIS C VIRUS ENVELOPE PROTEINS FOR DIAGNOSTIC AND  
THERAPEUTIC USE

\* \* \* \* \*

March 25, 2003

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

Responsive to the Official Action dated February 25, 2003, the applicant elects, with traverse, the subject matter of Group I, drawn to a recombinant vector and a composition comprising the vector comprising a HCV envelope protein.

Within Group I, the applicants elect, with traverse, the single sequence SEQ ID NO:7. Reconsideration and withdrawal of the restriction requirement are requested as the Examiner's statement that "each of the polypeptides recited in alternative form is not member of a single genus of invention, it derived from different genome of HCV isolates and each of them has different patentable weight" is not correct. Specifically, with the exception of SEQ ID NO:29 and SEQ ID NO:31, which are peptides derived from HCV type 3a and HCV type 5a, respectively, all other claimed SEQ ID NOs represent peptides of the single HCV polyprotein derived from a single genome sequence of the same single HCV isolate of type 1b.

Rejoinder and examination of SEQ ID NO:7 with all the other recited SEQ ID NOs, except SEQ ID NO:29 and SEQ ID NO:31, is thus, requested, as the Examiner's basis for requiring further election of a single sequence is not factually correct.

Rejoinder and examination of SEQ ID NO:7 with all other SEQ ID NOs is also requested when the generic claim 67 is found allowable.

Alternatively, rejoinder with SEQ ID NO:7 of the suitable SEQ ID NOs is requested depending on which of the claims 68-72 would be found allowable.

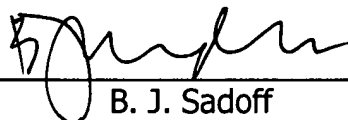
Further, within Group I, the applicant elect, with traverse, vaccinia virus vectors. Reconsideration and withdrawal of the restriction requirement are requested as, when claims to the HCV envelope protein encoding recombinant vectors are found allowable, claims to the variety of vectors should also be allowable. The Examiner's apparent limitation of the subject matter of the search appears to be unduly burdensome to the applicants.

Reconsideration and withdrawal of the restriction requirements and an early and favorable Action on the merits of all the claimed subject matter are requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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